

**Case 2970*****Tyrannula minima* Baird & Baird, 1843 (currently *Empidonax minimus*) and *Contopus pertinax* Cabanis & Heine, 1859 (Aves, Passeriformes): proposed conservation of the specific names**

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**Abstract.** The purpose of this application is to conserve the specific names of two North American tyrant flycatchers (family TYRANNIDAE), *Empidonax minima* (Baird & Baird, 1843), the least flycatcher, and *Contopus pertinax* Cabanis & Heine, 1859, the greater pewee. The names are threatened by the virtually unused senior synonyms *Platyrhynchus pusillus* and *Tyrannula musica* respectively, both of Swainson (1827).

**Keywords.** Nomenclature; taxonomy; Aves; tyrant flycatchers; least flycatcher; greater pewee; *Empidonax minimus*; *Contopus pertinax*; North America.

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1. In a paper on birds collected by William Bullock in Mexico, Swainson (1827, p. 366) described and named *Platyrhynchus pusillus* from the 'maritime parts of Mexico'. Later, he (1832, pp. 144-146) gave a detailed description, accompanied by measurements and a color plate, of a bird from Carlton House, Saskatchewan, Canada, under the name *Tyrannula pusilla*. Although Swainson (1832) mentioned that he compared the Carlton House bird with one from the shores of Mexico, there is no known extant type specimen nor a specimen from Carlton House. On the basis of that comparison, Swainson (1832) placed *pusilla* in the genus *Tyrannula* Swainson, 1827.

2. Baird & Baird (1843, p. 284) described and named a tyrant flycatcher (family TYRANNIDAE) *Tyrannula minima*, noting that the wing formula of their bird differed from the formula given by Swainson (1832) for *T. pusilla*. The holotype of *T. minima*, from Carlisle, Pennsylvania, is catalog no. 4465 in the collection of the Academy of Natural Sciences of Philadelphia (see Stone, 1899, p. 23).

3. Within the current genus *Empidonax* Cabanis, 1855, in the 19th century *pusillus* was treated in various ways. Usually the species was confused with *Empidonax traillii* (Audubon, 1828). Baird (1858, p. 194) used *pusillus* as the name of a species occurring geographically between *E. traillii* and *minimus*. Coues (1884, p. 442) treated *pusillus* as a species aligned with, possibly the same as, *traillii* and replacing that form to the west. The American Ornithologists' Union (A.O.U.) (1886, p. 235) considered *traillii* a subspecies of *pusillus*, which had equal status with *minimus*. It is not certain, however, that any of those authorities were using *pusillus* for the same taxon that Swainson did. The confusion is summarized by Brewster (1895, p. 161) who suggested that until Swainson's type from Mexico was found and studied '... we are justified in ignoring the name *pusillus* and adopting — or rather retaining — that of *traillii* for

the flycatcher which we have just been considering'. Although several writers discussed the identity of Swainson's *pusillus* after that time, none used it as a valid name between 1895 and 1964.

4. Todd (1963, p. 482) believed that the name *Empidonax pusillus* belonged to the species generally known as *E. minimus* but used the latter name 'to avoid further changes and confusion in the nomenclature of this difficult group of birds'. Phillips, Marshall & Monson (1964, p. 87) and Monson & Phillips (1981, p. 104) used the name *Empidonax pusillus* (Swainson) for the species known for the previous 70 years as *Empidonax minimus* (Baird & Baird), but did not give the original citation for Swainson's name or the reason for its use. Rea (1983, p. 188) followed Phillips et al. (1964) in the use of *pusillus*, indicating that it was based on *Platyrhynchus pusillus* Swainson, 1827. To our knowledge, no other writer has used the name *pusillus* Swainson for a species of *Empidonax*.

5. *Platyrhynchus pusillus* Swainson, 1827 has priority over its putative synonym *Tyrannula minima* Baird & Baird, 1843. However, to resurrect Swainson's long-unused name would cause considerable confusion because *Empidonax minimus* (Baird & Baird, 1843) is well known in the recent literature (see, for example, the representative works by Miller, Friedmann, Griscom & Moore, 1957, p. 87; T aylor, 1979, p. 140; A.O.U., 1983, p. 453; and Sibley & Monroe, 1990, p. 354). Furthermore, the identity of *Platyrhynchus pusillus* Swainson is uncertain in the absence of a holotype. We therefore propose that the usage of Baird & Baird's (1843) name *minimus* be maintained and that Swainson's (1827) name be suppressed.

6. In the same paper (para. 1 above), Swainson (1827, p. 368) also briefly described and named the new species *Tyrannula musica*. He did not give a locality or designate a holotype and his description was merely 'Cinereous-brown, beneath dirty yellow, tail forked; wings lengthened, brown; bill strongly hooked'.

7. Cabanis & Heine (1859, p. 72) described and named *Contopus pertinax* from Jalapa (= Jalapa, Mexico). The location of the holotype, formerly in the Museum Heineanum, is unknown (see Miller, Friedmann, Griscom & Moore, 1957, p. 95).

8. Historic valid use of the name *Contopus musicus* (Swainson, 1827), for the tyrant flycatcher that is currently universally called *Contopus pertinax* Cabanis & Heine, 1859, is limited to Swainson (1832, p. 132), Salvin & Godman (1880, pp. 81–82), Sharpe (1901, p. 141) and Dubois (1903, p. 1078). Ridgway (1907, p. 514) listed *musica* Swainson as a possible synonym of *pertinax*. Hellmayr (1927, p. 203) remarked that Swainson's (1827) description of *musica* 'appears to me unidentifiable'.

9. Phillips (in Phillips, Marshall & Monson, 1964, p. 90) adopted the name *Tyrannula musica* in place of the well known *T. pertinax* without explanation. Later Phillips (in Phillips & Short, 1968, pp. 91–93) reported the discovery of the type of Swainson's *Tyrannula musica*. He stated that 'both the description [by Swainson] and the name itself apply so clearly to this species' but did not provide further details. A specimen (catalog no. 27/Tyr/57/e/1 in the University Museum of Zoology, Cambridge, U.K.), considered to be the type of *Tyrannula musica* by A.R. Phillips in 1966, has the locality 'Mexico'. This specimen, according to notes by C.W. Benson, was considered by Phillips to be a Bullock specimen and therefore from Swainson's collection (in litt., R.J. Symonds). There is, however, no label to indicate that the specimen had belonged to Swainson. Measurements of the specimen taken by Phillips

in 1966 do not agree with those given by Swainson (1827, p. 368): wing 100 mm ('4' = 108.1 mm in Swainson); tail 83 mm ('3' = 89 mm in Swainson).

10. Recent use of Swainson's name *musica* in the genus *Contopus* has been only by Phillips (in Phillips et al., 1964, p. 90; in Phillips & Short, 1967, pp. 91–93; in Monson & Phillips, 1981). Except as noted in paras. 8 and 9 above, all other authors use the specific name *pertinax* Cabanis & Heine. Examples of recent works demonstrating this usage include Miller, Friedmann, Griscom & Moore (1957, p. 84), A.O.U. (1957, p. 347; 1983, pp. 447–448), Davis (1972, p. 139), Russell (1964, p. 122), Monroe (1968, p. 265), Binford (1989, p. 176) and Sibley & Monroe (1990, p. 352). Wolters (1977, p. 177) listed *musica* Swainson as a nomen dubium. Traylor (1979, p. 129, footnote) considered *musica* Swainson, 1827 a nomen oblitum. We propose that the usage of *Contopus pertinax* Cabanis & Heine, 1859 be maintained by the suppression of *Tyrannula musica* Swainson, 1827.

11. The International Commission on Zoological Nomenclature is accordingly asked:

- (1) to use its plenary powers to suppress the following specific names for the purposes of the Principle of Priority but not for those of the Principle of Homonymy:
  - (a) *pusillus* Swainson, 1827, as published in the binomen *Platyrrhynchus pusillus*;
  - (b) *musica* Swainson, 1827, as published in the binomen *Tyrannula musica*;
- (2) to place on the Official List of Specific Names in Zoology the following names:
  - (a) *minima* Baird & Baird, 1843, as published in the binomen *Tyrannula minima*;
  - (b) *pertinax* Cabanis & Heine, 1859, as published in the binomen *Contopus pertinax*;
- (3) to place on the Official Index of Rejected and Invalid Specific Names in Zoology the following names:
  - (a) *pusillus* Swainson, 1827, as published in the binomen *Platyrrhynchus pusillus* and as suppressed in (1)(a) above;
  - (b) *musica* Swainson, 1827, as published in the binomen *Tyrannula musica* and as suppressed in (1)(b) above.

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